

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

LINDA DRUFFEL, As Executor of the Estate) Case No.:
of TERRY MICHAEL DRUFFEL, deceased,) 4:25-cv-799-JD
and ANTOINETTE TITONE, As Executor of)
the Estate of BARRIE ANDREW)
MCMURTRIE, deceased,)

Plaintiffs,)

vs.)

EXECUTIVE HELICOPTERS, INC. d/b/a)
EXECUTIVE HELIJET AVIATION)

Defendant.)

COMPLAINT

JURY TRIAL DEMAND

Now come Plaintiffs LINDA DRUFFEL, Executor of the Estate of TERRY MICHAEL DRUFFEL and ANTOINETTE TITONE, Executor of the Estate of BARRIE ANDREW MCMURTRIE, by and through their attorneys, and for their Complaint state as follows:

PARTIES

1. Plaintiff, LINDA DRUFFEL is the duly appointed Executor of the Estate of TERRY MICHAEL DRUFFEL, Deceased, who was killed in an air crash that occurred on September 14, 2022, near Conway, South Carolina and at all times relevant hereto were citizens and residents of the State of North Carolina.

2. Plaintiff, ANTOINETTE TITONE is the duly appointed Executor of the Estate of, BARRIE ANDREW MCMURTRIE, Deceased, who was killed in an air crash that occurred on September 14, 2022, near Conway, South Carolina and at all times relevant hereto were citizens and residents of the State of North Carolina.

3. At all times relevant hereto, Plaintiffs' decedents were citizens and residents of the State of North Carolina.

4. Defendant, Executive Helicopters Inc., dba Executive HeliJet Aviation, is a company organized and incorporated under the laws of the State of South Carolina. Defendant has its principal place of business located at the Myrtle Beach International Airport, Myrtle Beach, South Carolina. The actions of the Defendant that are the subject of this litigation took place at its principal place of business.

JURISDICTION AND VENUE

5. This Court also has jurisdiction pursuant to 18 U.S.C. § 1332 because the matter in controversy exceeds the sum or value of \$75,000 exclusive of interest and costs is between citizens of different states.

6. Venue is proper in the District of South Carolina pursuant to 28 U.S.C. § 1402(b), in that Defendant resided in this judicial district at the time of decedent's death and the accident that gives rise to this litigation occurred in this district.

BACKGROUND

7. Plaintiff, LINDA DRUFFEL is the duly appointed Executor of the Estate of TERRY MICHAEL DRUFFEL, Deceased. She was duly appointed by the Probate Court of Brunswick County, North Carolina, on October 10, 2022.

8. ANTOINETTE TITONE is the duly appointed Executor of the Estate of BARRIE ANDREW MCMURTRIE, Deceased. She was duly appointed by the Probate Court of Brunswick County, North Carolina, on June 5, 2023.

9. The Defendant operates an aircraft maintenance facility at its principal place of business.

10. On September 14, 2022, a Piper PA28R aircraft, tail number N62FC, crashed

shortly after departing Myrtle Beach International Airport, Myrtle Beach, SC. The pilot and passenger were killed as a result of the crash.

11. The aircraft was piloted by Decedent BARRIE ANDREW MCMURTRIE.

12. The passenger was the Decedent, TERRY MICHAEL DRUFFEL.

13. The Piper PA-28R, tail number N62FC, had been recently worked on by the Defendant at Defendant's principal place of business.

14. The Piper PA-28R, tail number N62FC, had been at the Defendant's business for avionics upgrades since April 18, 2022.

15. As part of the work being accomplished, the vacuum system was removed and replaced with electronic instrumentation.

16. On September 14, 2022, the decedents departed Myrtle Beach International Airport, Myrtle Beach, SC for Columbus County Municipal Airport, Whiteville, North Carolina

17. Shortly after departure, the pilot reported he was having problems with his navigation system and stated he wanted to return to the airport.

18. About 30 seconds later, the pilot reported a loss of engine power, stated he would be unable to make it back to the airport and had identified an off-field landing area.

19. During the attempted off field landing, the aircraft struck some trees and a powerline, striking the ground, killing both decedents.

COUNT I

NEGLIGENCE– WRONGFUL DEATH

20. Plaintiffs incorporate by reference all prior allegations as if fully set forth herein.

21. Defendant owed a duty to Plaintiffs' decedents to exercise reasonable care in providing maintenance services and upgrade of avionics services.

22. On and before September 14, 2022, Defendant was negligent and in breach of its duties in that the Defendant did not complete the work it was contracted to perform. Namely, Defendant:

- a. Failed to complete the work per the contract;
- b. Failed to install required gaskets on the aircraft;
- c. Failed to install products that were still in the physical possession of the Defendant; and,
- d. other acts that may be determined through discovery.

23. As a direct and proximate result of the aforesaid acts and/or omissions by the Defendant, Terry Michael Druffel and Barrie Andrew McMurtrie suffered injuries resulting in their deaths on September 14, 2022, when the uncompleted work resulted in an engine failure and subsequently, a crash. Further, the Estates and lawful beneficiaries sustained damages and losses as described herein.

24. This action is brought on behalf of all persons who are entitled to recover damages under the wrongful death law applicable to this loss.

25. As a result of the decedents' untimely and tragic death, Plaintiffs have each sustained damages that include, but are not limited to:

- a. Loss of care, comfort, companionship and consortium;
- b. Loss of guidance and tutelage;
- c. Loss of inheritance;
- d. Loss of net accumulations;
- e. Loss of life's pleasures;

- f. Loss of support;
- g. Loss of earnings;
- h. Loss of society;
- I. Loss of companionship;
- j. Loss of love;
- k. Loss of affection;
- l. Loss of solace;
- m. Loss of protection;
- o. Loss of moral guidance;
- p. Loss of counsel;
- q. Loss of moral support;
- s. Loss of familial care; and,
- t. Loss of advice.

26. By reason of the wrongful acts alleged herein, the Plaintiffs, their heirs and next of kin of the deceased have sustained losses for which they are entitled to recover damages in wrongful death, and, further, heirs and next of kin of Terry Michael Druffel and Barrie Andrew McMurtrie have sustained mental anguish, grief, torment and distress, and have incurred funeral expenses, for all of which they are entitled to recover damages under the wrongful death law applicable to this loss.

WHEREFORE, Plaintiffs, LINDA DRUFFEL is the duly appointed Executor of the Estate of TERRY MICHAEL DRUFFEL, Deceased, and ANTOINETTE TITONE is the duly appointed Executor of the Estate of BARRIE ANDREW MCMURTRIE, Deceased, pray for judgment against Defendant in a sum consistent with laws applicable to this lawsuit.

COUNT II**NEGLIGENCE – SURVIVOR ACTION**

27. Plaintiffs incorporate by reference all prior allegations as if fully set forth herein.

28. Defendant owed a duty to Plaintiffs' decedents to exercise reasonable care and to complete the work contracted for.

29. On and before September 14, 2022, Defendant was negligent and in breach of its duties in that the Defendant did not complete the work it was contracted to perform. Namely, Defendant:

- a. Failed to complete the work per the contract;
- b. Failed to install required gaskets on the aircraft;
- c. Failed to install products that were still in the physical possession of the Defendant; and,
- d. other acts that may be determined through discovery.

30. As a direct and proximate result of the aforesaid acts and/or omissions by the Defendant, the decedents suffered serious and traumatic injuries, including but not limited to physical and emotional trauma, severe mental anguish and fear of their impending death prior to the crash on September 14, 2022, when the uncompleted work resulting in an engine failure and subsequent crash, for which they would have been entitled to seek damages had they survived.

WHEREFORE, Plaintiffs LINDA DRUFFEL as the duly appointed Executor of the Estate of TERRY MICHAEL DRUFFEL, Deceased, and ANTOINETTE TITONE as the duly appointed Executor of the Estate of BARRIE ANDREW MCMURTRIE, Deceased, pray for judgment against Defendant in a sum consistent with laws applicable to this lawsuit.

Respectfully submitted,

MOTLEY RICE LLC

By: /s/ James R. Brauchle
JAMES R. BRAUCHLE (SC FBN 8044)
jbrauchle@motleyrice.com
MARY SCHIAVO (SC FBN 10755)
mschiavo@motleyrice.com
OLUTOLA FAMILONI (SC FBN 14357)
tfamiloni@motleyrice.com
28 Bridgeside Blvd
Mount Pleasant, SC 29464
Telephone: (843) 216-9000
Facsimile: (843) 216-9450

ATTORNEYS FOR THE PLAINTIFFS

Dated: February 11, 2025
Mount Pleasant, SC